
SPECIAL ELECTION
OCTOBER 21, 2003

In accordance with the Warrant, the Polls were opened at 12:00 noon and closed at 8:00 p.m. The voters cast their ballots in their respective precincts. The results were as follows:

SELECT BOARD – to fill a vacancy (1)

	1	2	3	4	5	6	7	8	9	10	TOTAL
ROBIE HUBLEY	133	189	62	183	166	133	127	333	170	0	1496
PAUL G BOBROWSKI	34	109	42	83	39	129	62	294	74	1	867
DAVID T KEENAN	6	24	10	14	17	21	27	45	10	1	175
All Others	0	0	1	0	0	0	1	1	1	0	4
Blanks	0	0	0	1	1	1	0	1	1	0	5
Total	173	322	115	281	223	284	217	674	256	2	2547

Precinct	Ballots Cast	Number Registered	PM Return Time	%Turnout
1	173	1,641	8:59 p.m.	10.5 %
2	322	1,747	8:53 p.m.	18.4%
3	115	790	8:47 p.m.	14.6%
4	281	1,593	9:03 p.m.	17.6%
5	223	1,412	9:22 p.m.	15.8%
6	284	2,027	9:04 p.m.	14.0%
7	217	1,678	9:07 p.m.	12.9%
8	674	2,432	9:20 p.m.	27.7%
9	256	1,557	9:03 p.m.	16.4%
10	2	524	8:40 p.m.	.4%

The public announcement was made at 9:56 p.m. on October 21, 2003. 2,547 ballots were cast, representing 16.5% of the 15,401 voters registered.

Attest:

Anna M. Maciaszek
Town Clerk

Special Town Meeting
October 27, 29 November 3, 5, 6 and 12, 2003

The meeting was televised by Amherst Community Television and shown on the Government Channel.

The Special Town Meeting was called to order by the Moderator, Harrison Gregg at 7:38 p.m. There were 228 town meeting members. 115 checked in and a quorum was declared. The call and return of the warrant was read by Town Clerk, Anna M. Maciaszek. The Select Board Chair recognized the dedicated service of several town committee members. New town meeting

members were sworn to the faithful performance of their duties. The Town Moderator offered words of congratulations to the new Select Board Member, Robie Hubley and the new Town Clerk, Anna Maciaszek. Articles 1, 2, 3, 4, and 5 were considered on October 27th. At the request of Select Board Chair, Carl Seppala, Article 5 was divided into two motions.

ARTICLE 1. Reports of Boards and Committees (Select Board)

VOTED that the Town hear only those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

Action taken on 10/27/2003.

ARTICLE 2. Modify Rules of Order (Town Meeting Improvements Committee)

MOTION A.

VOTED that the Town amend the Rules of Order of Town Meeting to include the following as paragraph 1:

CONSENT CALENDAR: At least five business days prior to the opening of the first session of the Annual Town Meeting or any Special Town Meeting, the moderator shall propose to all members a "Consent Calendar" listing all articles and budget areas which, based on the records of recent town meetings, the moderator deems to be non-controversial. At the first session of the meeting, at the request of any member, any article or budget area shall be removed from the Consent Calendar so that it can be debated and voted upon in accordance with the provisions of these Rules of Order. All items remaining in the Consent Calendar shall then be voted upon by a single vote without debate.

Action taken 10/27/2003.

MOTION B.

VOTED that the Town amend the Rules of Order of Town Meeting to insert the following paragraph before paragraph 3, Motions During Debate:

GREEN AND RED CARDS DURING DEBATE. To assist the moderator in shaping an orderly and equitable debate, green and red cards shall be used by members to indicate a desire to speak for or against the current motion on the floor. A desire to speak without advocacy or to ask a question shall be indicated by a raising a hand without a green or red card.

Action taken on 10/27/2003.

MOTION C.

VOTED that the Town amend the Rules of Order of Town Meeting by deleting paragraph 6 thereof and replacing it with the following:

VOICE VOTES, TALLIED VOTES, AND STANDING VOTES. All votes unless otherwise provided for by law shall in the first instance be taken by 'ayes' and 'noes' voice vote.

If any member questions the voice vote, or if a four-fifths or nine-tenths vote is required by statute and the vote is not unanimous, the vote shall be taken by counted standing vote. When a two-thirds vote is required by statute, a counted standing vote shall not be taken unless the voice vote is doubted by the moderator or questioned by a member.

If, within a short but reasonable period of time following the voice vote, which period of time shall be fixed by the moderator, any member requests a tally vote and if 14 members manifest their concurrence with that member, the vote of each member shall be tallied by the use of a

color-coded (green for aye, red for no) cards. Each such card shall bear the member's name and indicate his/her vote. Each member shall cast his/her own vote only. Such cards shall be collected and counted by the tellers, which count shall be determinative of the question.
Action taken on 10/27/2003.

MOTION D.

VOTED unanimously that the Town modify the Rules of Order for Town Meeting by deleting the Rules on Voting by Secret Ballot contained in paragraph 7, Smoking contained in paragraph 11, and Ex-Officio Membership contained in paragraph 12.
Action taken on 10/27/2003.

ARTICLE 3. Town Meeting Coordinating Committee (Town Meeting Improvements Committee)

VOTED as amended that the Town establish a Town Meeting Coordinating Committee consisting of seven Town Meeting Members, who shall serve staggered two-year terms. Its charge shall be to provide continuing leadership and organization to Town Meeting and to extend outreach to the community on behalf of Town Meeting. The issues the Committee shall address in its first year shall include, but not be limited to the following: (1) organizing warrant forums prior to Town Meeting open to the public, (2) communicating to the public about Town Meeting through various means, (3) improving the education and orientation system for new Members, and (4) researching ways for recording individual votes at Town Meeting. The Committee shall perform such other duties as Town Meeting shall determine from time to time.

The initial Committee members shall be elected at the Annual Town Meeting of 2004. Nominations to the Committee shall be made from the floor of Town Meeting. No person shall be nominated unless such person has acknowledged his or her willingness to serve prior to being nominated. The Town Clerk shall prepare a ballot of those nominated, which ballot shall be presented to each Town Meeting Member at a subsequent session of the Annual Town Meeting. Each Town Meeting Member shall cast up to seven votes, with the four candidates receiving the highest number of votes being elected for a two-year term, and the next three highest being elected to serve a one-year term.

The initial Committee shall, in its first year, propose a procedure for electing subsequent Committee Members.

Town Meeting shall review at least every five years the continuation of the Committee.
Action taken on 10/27/2003.

ARTICLE 4. Electronic Voting Study (Town Meeting Improvements Committee)

VOTED that the Town endorse the concept of incorporating electronic voting into the operations of Town Meeting and direct the Town Meeting Improvements Committee 1) to study the available systems, and 2) to report to the 2004 Annual Town Meeting on appropriate systems and their associated operating and capital costs.
Action taken on 10/27/2003.

ARTICLE 5. Special Act – Amend Amherst Town Government Act (Town Meeting Improvements Committee)

DEFEATED [To see if the Town will direct the Select Board to submit to the Great and General Court a Special Act amending the Amherst Town Government Act, Chapter 216 of the Acts of 2001, in substantially the following form:

AMHERST TOWN MEETING IMPROVEMENTS ACT

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Motion A.

SECTION 1. Chapter 216 of the Acts of 2001 is hereby amended by deleting in the second full sentence of Section 1.52 the words: "1 registered voter" and inserting in place thereof the words: "10 registered voters."

Motion B

SECTION 2. Chapter 216 of the Acts of 2001 is hereby amended by inserting after the first sentence in Section 1.531 the following sentence: "Any candidate for Town Meeting must receive a minimum of ten votes to be elected."

SECTION 3. Chapter 216 of the Acts of 2001 is hereby amended by adding the following paragraph to Section 1.541, Vacancies between Election and Annual Meeting: "Any town meeting seats unfilled in the annual town election shall remain unfilled until the next annual town election."

SECTION 4. This act shall take effect upon its passage.]

Action taken on 10/27/2003.

10:09 p.m., October 27, 2003 – The meeting voted to adjourn to Wednesday, October 29, 2003 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 163 town meeting members were checked in.

The Wednesday, October 29, 2003 session, adjourned from October 27, 2003, was called to order by the moderator at 7:44 p.m. 115 town meeting members checked in and a quorum was declared. New town meeting members were sworn to the faithful performance of their duties. Janet Chevan, Nonny Burack, H. Oldham Brooks, Jim Scott, Nancy Gordon and Hilda Greenbaum were sworn as tellers. The meeting took action on Articles 6, 7, 8, 9, 10, 11 and 12.

ARTICLE 6. Childcare Study (Town Meeting Improvements Committee)

VOTED that the Town establish a committee, to be known as the Town Meeting Family Care Study Committee, consisting of five Town Meeting Members to be appointed by the Moderator, to study whether the diversity of Town Meeting could be increased by providing a stipend to Amherst residents who currently are unable to serve in Town Meeting because of the expenses of childcare or other family or health issues. Such committee shall report to Town Meeting at or before the 2005 Annual Town Meeting. Such report shall include an estimate of the number of persons who might participate in such a program and the probable cost.

Action taken on 10/29/2003.

ARTICLE 7. Transfer of Funds – Unpaid Bills (Select Board)

VOTED unanimously that the Town raise and appropriate \$318.00 to pay unpaid bills of previous years.

Action taken on 10/29/2003.

ARTICLE 8. Reserve Fund (Finance Committee)

VOTED unanimously that the Town raise and appropriate \$60,000 to increase the FY 04 Reserve Fund.

Action taken on 10/29/2003.

ARTICLE 9. Amend FY 04 Budget (Finance Committee)

Motion A.

VOTED unanimously that the Town raise and appropriate \$46,500 to increase the FY04 budget for Debt Service.

Action taken on 10/29/2003.

Motion B.

VOTED Yes 92, No 41 that the Town raise and appropriate \$20,000 to increase the FY 04 budget for Community Services

Action taken on 10/29/2003.

ARTICLE 10. Petition – Resolution- Rental Property Registration Program (V. O'Connor)

Motion 1.

VOTED Yes 78, No 57 that the Amherst Representative Town Meeting request that the Amherst Board of Health amend the operation of its Rental Property Registration Program to insure: 1.) that the \$10 fee collected from all units be designated as a one-time startup fee for the purpose of registering units only; 2.) that all subsequent fees be collected from the owners of rental property where inspectors find serious and substantial owner-responsibility code violations; 3.) that the existing registration fees be amended, and refunds be made if necessary, to correct an inequity that results from charging \$10 for each room a homeowner rents while only charging a \$10 fee for the rental of large apartments and single-family homes.

Action taken on 10/29/2003

Motion 2.

DEFEATED [That town officials be urged to vigorously pursue already identified problem rental units for existing building and sanitary code violations or with noise complaints and complaints that said units are both public and private nuisances, and if those approaches are not sufficient to re-establish public order, that town officials adopt as policy, in the most extreme of cases: obtaining eminent-domain authorization from this town meeting, thereafter, if final resolution efforts fail, taking the offending units by eminent domain, providing compensation consistent with the property's value and, as immediately thereafter as practicable, selling or transferring said properties primarily for use as owner-occupied affordable housing, using Community Preservation Act funds to make up the difference between a unit's selling price and its acquisition costs.]

Action taken on 10/29/2003.

ARTICLE 11. Transportation Subsidies (Select Board)

VOTED unanimously that the Town raise and appropriate \$15,000 for bus and van transportation subsidies.

Action taken on 10/29/2003.

ARTICLE 12. Petition – Public Transportation Policies (F. Wells)

DEFEATED ["To see if the town will vote to adopt the following public transportation policies:

a) in response to request by other communities in the Pioneer Valley Transit Authority Region, ask the Select Board to instruct Amherst's representative on the PVRTA Board to vote to reduce regional co-payments for senior and disabled van riders to \$1 per ride from \$2 per ride; and,

b) request that the Select Board and town manager identify the size of the annual lump sum payment to PVRTA necessary to return the day-to-day operations of PVRTA bus and van service within the town of Amherst to fare-free status and to present to town meeting a request to appropriate that sum of money for FY 2004 as soon as possible."]

Action taken on 10/29/2003.

10:09 p.m., October 29, 2003 – The meeting voted to adjourn to Monday, November 3, 2003 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 151 town meeting members were checked in.

The Monday, November 3, 2003 session, adjourned from October 29, 2003, was called to order by the moderator at 7:40 p.m. 115 town meeting members checked in and a quorum was declared. A moment of silence was held in remembrance of Finance Committee and Town Meeting member Brenda Bright. James Pistrang was sworn-in as a teller. The meeting took action on Articles 13 and 15 motions A, B, C, D, E, F and G. Article 14 was postponed until 7:30 p.m. on Wednesday, November 5, 2003.

ARTICLE 13. Capital Program – Equipment (Joint Capital Planning Committee)
VOTED unanimously that the Town appropriate \$130,000 for ambulances, ambulance repairs and equipment and to meet such appropriation transfer \$130,000 from the Ambulance Receipts Reserved From Appropriation Account.
Action taken on 11/03/2003.

ARTICLE 14. Capital Program- Town Center and Neighborhood Improvements (Joint Capital Planning Committee)
DEFEATED, 2/3 vote not obtained, Yes 78, No 59 [To see if the Town will appropriate \$1,200,000 for Town Center and neighborhood roadway, sidewalk and lighting improvements and to meet such appropriation authorize the Treasurer to borrow in accordance with M.G.L. Chapter 44, Section 7(5) and other applicable laws.]
Action taken on 11/05/2003.

ARTICLE 15. Community Preservation Act (Community Preservation Act Committee)
Motion A.
VOTED by a declared 2/3rds vote that the Town appropriate \$40,000 for the chimney repair at the Strong House, the payment of such funds being subject to and contingent upon delivery to the Town of a State approved Historic Preservation Restriction in a form acceptable to the Select Board, and to meet such appropriation transfer \$40,000 from the Community Preservation Fund Undesignated Fund Balance.
Action taken on 11/03/2003.

Motion B

VOTED that the Town appropriate \$19,065 for security lighting and interpretive signs at West Cemetery and to meet such appropriation transfer \$19,065 from the Community Preservation Fund Undesignated Fund Balance.

Action taken on 11/05/2003 – The above vote reflects the appropriation voted on upon reconsideration of the article. Below is the original vote on Article B, which failed reconsideration on November 5th by a vote of Yes 46, No 80.

Rescinded vote: [VOTED that the Town appropriate \$34,065 for painting a historic mural facing West Cemetery and for security lighting and interpretive signs at West Cemetery and to meet such appropriation transfer \$34,065 from the Community Preservation Fund Undesignated Fund Balance.
Action taken on 11/03/2003.]

Motion C.

VOTED unanimously that the Town authorize the Select Board to purchase, jointly with the Commonwealth of Massachusetts Department of Food and Agriculture, an Agricultural Preservation Restriction on Map 12C, Parcel 9 of the Town Cadastre, located at 143 North East Street from Frederick F. Hess and Linda L. Hess and appropriate and transfer \$97,500 from the Community Preservation Fund Undesignated Fund Balance for said purchase.
Action taken on 11/03/2003.

Motion D.

VOTED unanimously that the Town authorize the Select Board to purchase, jointly with the Commonwealth of Massachusetts Department of Food and Agriculture, an Agricultural Preservation Restriction on Map 12A, Parcel 8 of the Town Cadastre, located on North East Street from Edward J. Hart and Mary Murphy and appropriate and transfer \$41,500 from the Community Preservation Fund Undesignated Fund Balance for said purchase.

Action taken on 11/03/2003.

Motion E.

VOTED that the Town appropriate \$15,000 for a skateboard park study, conceptual design and cost estimate and to meet such appropriation transfer \$15,000 from the Community Preservation Fund Undesignated Fund Balance.

Action taken on 11/03/2003.

Motion F.

VOTED that the Town appropriate \$10,000 to study the options, organization, oversight and benefits of establishing a Housing Trust Fund and to meet such appropriation transfer \$10,000 from the Community Preservation Fund Undesignated Fund Balance.

Action taken on 11/03/2003.

Motion G.

VOTED unanimously that the Town appropriate \$40,550 for the Amherst Housing Authority to assist in the cost of construction of two duplexes (4 units) of affordable housing on Map 18A, Parcels 55 & 56 of the Town Cadastre located on Tamarack Drive, the payment of such funds being subject to and contingent upon the delivery to the Town of a State approved Affordable Housing Restriction on the Tamarack Drive property in a form acceptable to the Select Board, and to meet such appropriation, transfer \$40,550 from the Community Preservation Fund Undesignated Fund Balance.

Action taken on 11/03/2003.

Motion H.

VOTED by a declared 2/3rds vote that the Town appropriate \$75,000 for the Amherst Housing Authority to assist in the cost of purchasing land next to 693 Main Street and being a portion of the land shown on Map 14B, Parcel 249 of the Town Cadastre, for the purpose of constructing affordable housing thereon, the payment of such funds being subject to and contingent upon the delivery to the Town of evidence satisfactory to the Select Board of a binding agreement to purchase land within the Town for the construction of such housing and a State approved Affordable Housing Restriction on such property in a form acceptable to the Select Board, and to meet such appropriation, transfer \$75,000 from the Community Preservation Fund Undesignated Fund Balance.

Action taken on 11/12/2003

Motion I

VOTED unanimously that the Town appropriate \$8,000 for the Amherst Housing Authority to assist in defraying the costs of carrying two Units located at The Brook, designated as Unit U1 and Unit V1 and being a portion of the land shown on Map 16D, Parcels 14 of the Town Cadastre, during such time as is necessary to raise funds to renovate such Units for use as affordable housing for the elderly and to undertake and complete such renovations, the payment of such funds being subject to and contingent upon the delivery to the Town of a State approved

Affordable Housing Restriction on the Units in a form acceptable to the Select Board, and to meet such appropriation, transfer \$8,000 from the Community Preservation Fund Undesignated Fund Balance.

Action taken on 11/12/2003

Motion J

VOTED unanimously that the Town appropriate \$2,000 for Community Preservation Act Committee administrative expenses and to meet such appropriation transfer \$2,000 from the Community Preservation Fund Undesignated Fund Balance.

Action taken on 11/12/2003.

10:01 p.m., November 3, 2003 – The meeting voted to adjourn to Wednesday, November 5, 2003 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 161 town meeting members were checked in.

The Wednesday, November 5, 2003 session, adjourned from November 3, 2003, was called to order by the moderator at 7:54 p.m. 115 town meeting members checked in and a quorum was declared. The meeting took action on Article 14. Martha Spiegelman moved to have Article 15, Motion B reconsidered by Town Meeting. The motion for reconsideration passed Yes 70, No 58. Upon reconsideration the amount to be appropriated under Motion B changed from \$34,065 to \$19,065.

10:00 p.m., November 5, 2003 – The meeting voted to adjourn to Wednesday, November 12, 2003 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 143 town meeting members were checked in.

The Wednesday, November 12, 2003 session, adjourned from November 5, 2003, was called to order by the moderator at 7:46 p.m. 115 town meeting members checked in and a quorum was declared. The meeting took action on Articles 15, Motions H, I, and J, 16, 17, 18, 19, 20, 21, 22, and 23.

ARTICLE 16. Open Space and Agricultural Lands (Select Board)

VOTED unanimously that the Town adopt the following resolution:

Whereas, open space protection is vital to protecting our drinking water supply and biological diversity, promoting our agricultural and forestry industries, and providing recreational access to all citizens of the Commonwealth, and

Whereas, proposed spending reductions would cripple or terminate land conservation efforts of state agencies, which have already identified at least 25,000 acres that face immediate threats and could be protected if funding is approved, and

Whereas, the Commonwealth's cash-strapped cities and towns rely on state programs such as the Self-Help and Agricultural Preservation Restriction (APR) programs to provide the matching funds to preserve their own natural resources and their quality of life,

Now therefore be it resolved that the Town urges the Governor to restore spending for the protection of open space and agricultural lands in the Commonwealth.

Action taken on 11/12/2003.

ARTICLE 17. Special Act- Town Land off Olympia Drive (Housing Partnership/Fair Housing Committee)

VOTED YES 153, NO 1 that the Town authorize the Select Board to petition the General Court for a Special Act to remove from the provisions of Article 97 of the Massachusetts Constitution a certain parcel of land located on Olympia Drive, Amherst, Massachusetts, which parcel is the northwestern portion of the land taken pursuant to an Order of Taking dated July 13, 1987, and recorded in the Hampshire Registry of Deeds in Book 3018, Page 309, also being a portion of Assessors Map 8D, Parcel 20, and containing 11.9 acres, more or less.
Action taken on 11/12/2003

ARTICLE 18. Zoning Map – East Pleasant Street at Fraternity/Sorority Park Entrance (Olympia Drive) from R-F to R-N (Planning Board)

VOTED unanimously that the Town amend the Official Zoning Map by rezoning Map 8D, Parcels 1, 2, 24 and portions of Parcel 3 and 15, from Fraternity Residence (R-F) to Neighborhood Residence (R-N).
Action taken on 11/12/2003.

ARTICLE 19. Economic Opportunity Area and Tax Increment Financing (Atkins Fruit Bowl, Inc.)

VOTED that the Town designate the properties shown on the Official Tax Maps as Map 25B, Parcels 51 and 57, as an Economic Opportunity Area (EOA) as provided for in M.G.L. Chapter 23A, Sections 3A-3H, for a term of not more than twenty (20) years, for the purposes of allowing eligible certified projects within the EOA to participate in the Massachusetts Economic Development Incentive Program and a local Tax Increment Financing/Special Tax Assessment agreement, which EOA shall be called the “Atkins Corner EOA”; that the Town designate such properties as a Tax Increment Financing Zone and approve the Atkins Tax Increment Financing Plan to include the following schedule of exemptions: 10% FY 2004, 9% FY 2005, 8% FY 2006, 7% FY 2007, 6% FY 2008, 5% FY 2009, 4% FY 2010, 3% FY 2011, 2% FY 2012 & 1% FY 2013; and that the Town amend the Town Bylaws by adding the following bylaw:
The Amherst Select Board is authorized to enter into Tax Increment Financing Agreements, and any modifications thereof, in a form acceptable to the Select Board, in accordance with and subject to the requirements of M.G.L. c. 23A and M.G.L. c. 40, s. 59, and any regulations promulgated thereunder, as those requirements may, from time to time, be amended.
Action taken on 11/12/2003

ARTICLE 20. Petition – Hampshire Council of Governments Committee (B. Bouricius)

DEFEATED Yes 64, No 80 [To see if the town will vote to request the Select Board to appoint a five member committee to examine the costs and benefits to the town of rejoining the Hampshire Council of Governments, and further request that the Select Board direct said committee to report its findings and recommendations in writing to the Board by February 2004, or to take any action related thereto.]
Action taken on 11/12/2003.

ARTICLE 21. Petition – Legislation – Municipal Light Plant House Bill 1468 (B. Bouricius)

VOTED that the Town vote to endorse H1468, “An Act Relative to the Purchase of Existing Plant by a Municipal Lighting Plant,” sponsored by State Representative Daniel Bosley, and request that our representatives to the Massachusetts General Court, State Senator Stanley Rosenberg and State Representative Ellen Story, co-sponsor and support H1468, and that upon adoption of this resolution the town clerk send a copy of the resolution and the outcome of the

vote upon it to Senator Rosenberg, Representative Story, and the co-chairs of the General Court's Joint Legislative Committee on Government Regulations.
Action taken 11/12/2003.

ARTICLE 22. Petition – Two-way Bilingual Education Programs (M. Santiago)
DISMISSED Yes 73, No 57 [To see if the Town will vote to request the Amherst School Committee and the Amherst Superintendent of Schools: 1) to implement two-way bilingual education programs in the Amherst elementary schools to the maximum extent feasible, and 2) to report on their progress toward accomplishing this goal to the 2004 Annual Town Meeting.]
Action taken 11/12/2003.

ARTICLE 23. Petition – Environmental and Traffic Impacts – Home Depot, Hadley (V. O'Connor)
VOTED that the Town request the Select Board direct the town manager to ask the planning, conservation and public works staff to obtain all environmental impact statements that have been or will soon be filed with the state and federal agencies related to the impact of the Home Depot project, read, and evaluate them, note impacts that may adversely impact the town or any failure of filings to adequately describe or document potential traffic, intersection and other adverse impacts upon the town, prepare a draft response on behalf of the town for discussion by the Select Board and recommend any other actions they believe the Select Board ought to take to protect town interests with regard to this project.
Action taken 11/12/2003.

After consideration of Articles 15, H, I and J, 16, 17, 18,19, 20, 21, 22 and 23 and the business of the warrant having been completed, the meeting voted to dissolve at 10:52 pm on November 12, 2003. 164 town meeting members were checked in.

Attest:

Anna M. Maciaszek
Town Clerk

PRESIDENTIAL PRIMARY MARCH 2, 2004

In accordance with the warrant the polls were opened at 7:00 a.m. and closed at 8:00 p.m. The voters cast their ballots in their respective precincts. The results were as follows:

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>Total</u>
Presidential Preference											
Richard Gephardt	0	1	0	1	0	1	2	1	0	0	6
Joseph Lieberman	0	2	0	1	1	4	3	3	3	0	17
Wesley K. Clark	0	4	1	3	2	0	3	5	0	0	18
Howard Dean	18	26	10	35	31	24	17	35	31	1	228
C. Moseley Braun	2	1	1	2	0	2	2	3	0	0	13
John Edwards	32	59	18	42	37	57	26	92	32	7	402
Dennis J. Kucinich	107	120	39	115	52	119	106	161	134	6	959

John F. Kerry	114	271	95	207	161	300	147	496	184	18	1,993
Lyndon Larouche	0	0	0	0	0	0	0	1	0	0	1
Al Sharpton	4	5	4	6	8	9	5	9	4	1	55
No Preference	2	1	0	0	0	3	1	0	0	0	7
All Others	1	0	0	0	0	0	1	0	2	0	4
Blanks	<u>0</u>	<u>1</u>	<u>0</u>	<u>1</u>	<u>2</u>	<u>0</u>	<u>2</u>	<u>2</u>	<u>0</u>	<u>0</u>	<u>8</u>
Total	280	491	168	413	294	519	315	808	390	33	3,711

State Committee Man

Joseph Gochinski	16	31	21	23	27	40	28	42	42	6	276
William R Rosen	88	154	58	118	93	203	93	287	131	7	1,232
John J Stobierski	18	31	11	31	23	37	23	52	20	2	248
All Others	4	2	2	1	1	1	5	2	1	0	19
Blanks	<u>154</u>	<u>273</u>	<u>76</u>	<u>240</u>	<u>150</u>	<u>238</u>	<u>166</u>	<u>425</u>	<u>196</u>	<u>18</u>	<u>1,936</u>
Total	280	491	168	413	294	519	315	808	390	33	3,711

State Committee Woman

Mary L Ford	201	333	129	284	197	384	212	569	280	18	2,607
All Others	3	1	1	0	1	2	2	4	1	0	15
Blanks	<u>76</u>	<u>157</u>	<u>38</u>	<u>129</u>	<u>96</u>	<u>133</u>	<u>101</u>	<u>235</u>	<u>109</u>	<u>15</u>	<u>1,089</u>
Total	280	491	168	413	294	519	315	808	390	33	3,711

Town Committee

Jean Fay	93	150	69	158	111	183	125	300	223	9	1,421
Doris Mundo	92	144	67	153	112	172	116	263	221	9	1,349
Allan Feldman	100	156	70	180	117	180	110	280	230	10	1,433
David Sharken	143	177	84	162	119	198	117	303	234	10	1,547
Richard Mundo	90	140	67	145	111	171	109	253	217	9	1,312
Richard Fay	89	147	68	153	110	174	112	288	222	9	1,372
Linda Marston	93	151	72	155	114	189	110	280	219	9	1,392
Dennis Bromery	101	158	76	164	117	200	111	289	234	10	1,460
Joan Ross Logan	106	187	76	187	133	212	114	306	246	10	1,577
Paul Drummond	88	143	69	149	114	185	109	263	220	9	1,349
Richard Bentley	94	150	69	182	122	173	100	267	222	10	1,389
Peter Vickery	111	182	80	187	134	207	122	323	273	9	1,628
Michael Wolff	103	168	72	182	121	187	108	302	249	9	1,501
Chadwick Johnson	102	148	71	162	115	180	109	305	228	9	1,429
Alice Swift	130	213	89	221	141	234	164	398	271	9	1,870
Leo Maley	108	149	74	163	122	171	110	258	227	9	1,391
Carl Seppala	116	206	93	202	148	258	141	376	265	10	1,815
Anne Awad	160	236	97	234	152	246	141	403	272	9	1,950
Merrylees Turner	100	148	70	166	129	176	106	266	227	10	1,398
H Oldham Brooks	102	162	74	169	131	222	123	290	230	9	1,512
Madge Ertel	96	149	69	153	113	179	107	290	222	9	1,387
Andrew Steinberg	97	177	76	156	115	186	108	279	225	9	1,428
Keri Heitner	109	180	75	164	121	187	117	285	235	9	1,482
J. Klausner-Wise	106	189	81	197	127	213	137	379	251	9	1,689
Joseph Tarallo	87	138	65	143	109	175	99	251	216	9	1,292
Charles Gillies	86	138	67	148	110	187	101	264	222	9	1,332
Vladimir Morales	130	185	75	173	138	235	135	303	240	9	1,623
Ellen Story	210	350	122	311	196	390	204	629	332	14	2,758
Christine Kline	1	2	0	11	7	2	2	6	4	0	35

Mary Wentworth	2	3	1	10	7	3	2	7	3	0	38
Daniel Ross	6	7	3	9	3	4	5	12	19	0	68
Steven Brewer	5	3	3	3	4	4	5	2	3	0	32
Barbara Steel	2	1	0	10	6	2	2	4	4	0	31
Sarah Mckee	5	4	0	10	6	8	2	6	4	0	45
Daniel Haley	0	0	0	0	0	0	0	0	7	0	7
All Others	15	8	2	7	4	13	11	27	21	0	108
Blanks	<u>6722</u>	<u>12336</u>	<u>3734</u>	<u>9476</u>	<u>6751</u>	<u>12459</u>	<u>7631</u>	<u>19523</u>	<u>6912</u>	<u>891</u>	<u>86,435</u>
Total	9800	17185	5880	14455	10290	18165	11025	28280	13650	1155	129,885

REPUBLICAN PARTY

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>Total</u>
Presidential Preference											
George W. Bush	5	14	1	4	7	7	3	9	4	0	54
No Preference	0	2	0	2	1	1	1	2	0	1	10
All Others	0	1	0	0	0	1	0	0	1	0	3
Blanks	<u>1</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>1</u>	<u>0</u>	<u>4</u>
Total	6	18	1	6	8	9	4	12	6	1	71

State Committee Man

Francis Edmonds	1	4	0	2	3	4	0	3	0	0	17
Isaac James Mass	1	1	0	0	0	0	1	2	1	1	7
Joseph V Ricco	4	10	1	3	4	5	2	6	5	0	40
All Others	0	0	0	0	0	0	0	0	0	0	0
Blanks	<u>0</u>	<u>3</u>	<u>0</u>	<u>1</u>	<u>1</u>	<u>0</u>	<u>1</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>7</u>
Total	6	18	1	6	8	9	4	12	6	1	71

State Committee Woman

Cheryl A. Nicholas	5	13	1	5	7	9	2	10	5	1	58
All Others	0	0	0	0	0	0	0	0	0	0	0
Blanks	<u>1</u>	<u>5</u>	<u>0</u>	<u>1</u>	<u>1</u>	<u>0</u>	<u>2</u>	<u>2</u>	<u>1</u>	<u>0</u>	<u>13</u>
Total	6	18	1	6	8	9	4	12	6	1	71

Town Committee

J. Marie Traester	5	11	1	4	6	7	2	8	6	1	51
A. Gawienowski	3	13	0	3	5	7	2	8	5	1	47
C. Gawienowski	3	12	0	3	5	7	2	8	5	0	45
Doris Holden	3	12	1	4	7	7	2	10	5	0	51
Barbara Fenton	2	12	1	5	5	7	2	8	5	0	47
All Others	0	0	0	0	0	0	0	0	0	0	0
Blanks	<u>194</u>	<u>570</u>	<u>32</u>	<u>191</u>	<u>252</u>	<u>280</u>	<u>130</u>	<u>378</u>	<u>184</u>	<u>33</u>	<u>2244</u>
Total	210	630	35	210	280	315	140	420	210	35	2485

LIBERTARIAN PARTY

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>TOTALS</u>
Presidential Preference											
Jeffrey Diket	0	0	0	1	0	0	0	0	0	0	1
Ruben Perez	0	0	0	0	0	0	0	0	0	0	0
Aaron Russo	0	0	0	0	0	0	0	0	0	0	0
Michael Badnarik	0	0	0	0	0	0	0	0	0	0	0
Gary Nolan	0	0	0	0	0	0	0	0	0	0	0

No Preference	0	0	0	0	0	0	0	0	1	0	1
All Others	0	1	0	0	0	1	0	0	1	0	3
Blanks	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>2</u>
Total	1	1	0	1	0	1	0	1	2	0	7

State Committee Man

No Candidates	0	0	0	0	0	0	0	0	0	0	0
Blanks	<u>1</u>	<u>1</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>1</u>	<u>2</u>	<u>0</u>	<u>7</u>
Total	1	1	0	1	0	1	0	1	2	0	7

State Committee Woman

No Candidates	0	0	0	0	0	0	0	0	0	0	0
Blanks	<u>1</u>	<u>1</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>1</u>	<u>2</u>	<u>0</u>	<u>7</u>
Total	1	1	0	1	0	1	0	1	2	0	7

Town Committee

David Fassett	0	0	0	0	0	0	0	0	1	0	1
Blanks	<u>21</u>	<u>21</u>	<u>0</u>	<u>21</u>	<u>0</u>	<u>21</u>	<u>0</u>	<u>21</u>	<u>41</u>	<u>0</u>	<u>146</u>
Total	21	21	0	21	0	21	0	21	42	0	147

GREEN-RAINBOW PARTY

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>TOTAL</u>
Presidential Preference											
Kent Mesplay	0	0	0	0	0	0	0	0	0	0	0
Lorna Salzman	0	0	0	1	0	2	0	0	2	0	5
Paul Glover	0	1	1	0	0	0	0	1	0	0	3
David Cobb	0	0	0	0	2	0	0	0	0	0	2
No Preference	3	0	0	0	2	0	3	1	3	0	12
All Others	1	1	2	0	2	1	0	2	2	0	11
Blanks	<u>2</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>2</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>5</u>
TOTAL	6	2	3	1	6	5	3	5	7	0	38

State Committee Man

*Vincent J. O'Connor	0	0	0	0	0	0	0	1	0	0	1
*James Oldham	0	0	0	0	1	0	0	0	0	0	1
*Robert Crowner	1	0	0	0	0	0	0	0	0	0	1
All Others	0	0	0	0	0	0	0	1	0	0	1
Blanks	5	2	3	1	5	5	3	3	7	0	34
TOTAL	6	2	3	1	6	5	3	5	7	0	38

State Committee Woman

*Emily G. Lewis	0	0	0	0	0	0	0	1	0	0	1
Blanks	<u>6</u>	<u>2</u>	<u>3</u>	<u>1</u>	<u>6</u>	<u>5</u>	<u>3</u>	<u>4</u>	<u>7</u>	<u>0</u>	<u>37</u>
TOTAL	6	2	3	1	6	5	3	5	7	0	38

Town Committee

Eleanor R. Manire-Gatti	5	1	2	0	4	1	3	5	4	0	25
Emily G. Lewis	5	1	2	0	6	1	3	5	4	0	27
Frank M. Gatti	5	1	2	0	4	1	3	5	3	0	24
Robert J. Crowner	5	1	2	0	3	1	3	5	3	0	23
Vincent J. O'Connor	5	2	2	0	4	2	3	5	3	0	26
All Others	2	0	2	0	0	1	0	1	1	0	7

Blanks	<u>99</u>	<u>36</u>	<u>51</u>	<u>21</u>	<u>105</u>	<u>98</u>	<u>48</u>	<u>79</u>	<u>129</u>	<u>0</u>	<u>666</u>
<u>TOTAL</u>	126	42	63	21	126	105	63	105	147	0	798

* = write-in

Pct	Dem. Ballots Cast	Dem. Reg.	Rep. Ballots Cast	Rep. Reg.	Lib. Ballots Cast	Lib. Reg.	G-R Ballots Cast	G-R Reg.	Unenroll -ed Voters	P.M. Return	% Voting
1	280	658	6	103	1	20	6	33	866	10:20	17.4%
2	491	895	18	127	1	13	2	18	777	10:43	27.9%
3	168	350	1	58	0	1	3	12	435	10:05	20.0%
4	413	843	6	129	1	12	1	16	657	10:03	25.4%
5	294	688	8	108	0	11	6	30	662	10:23	20.5%
6	519	1,020	9	168	1	14	5	34	850	10:20	25.5%
7	315	719	4	94	0	16	3	34	916	9:50	17.9%
8	808	1,365	12	268	1	1	5	14	854	9:48	33.0%
9	390	695	6	92	2	21	7	42	781	10:05	24.8%
10	<u>33</u>	<u>190</u>	<u>1</u>	<u>36</u>	<u>0</u>	<u>13</u>	<u>0</u>	<u>3</u>	<u>325</u>	9:19	<u>3.9%</u>
Total	3,711	7,423	71	1,183	7	122	38	236	7,123		23.7%

Dem. = Democratic Party

Rep. = Republican Party

Lib. = Libertarian Party

G-R = Green-Rainbow Party

The public announcement was made at 11:45 p.m. 3,827 ballots were cast, representing 23.7% of the 16,140 registered voters.

Attest,

Anna M. Maciaszek
Town Clerk

* * *

TOWN ELECTION March 30, 2004

In accordance with the Warrant, the polls were opened at 7:00 a.m. and closed at 8:00 p.m. The voters cast their ballots in their respective precincts. The results were as follows:

PRECINCT	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	TOTAL
<u>MODERATOR – one year (1)</u>											
HARRISON L GREGG	191	409	168	291	213	449	212	777	288	5	3,003
ALL OTHERS	0	4	1	3	1	4	3	6	3	0	25
BLANKS	<u>93</u>	<u>248</u>	<u>64</u>	<u>142</u>	<u>148</u>	<u>215</u>	<u>119</u>	<u>403</u>	<u>126</u>	<u>1</u>	<u>1,559</u>
TOTAL	284	661	233	436	362	668	334	1,186	417	6	4,587

SELECT BOARD – three years (2)

MATTHEU J.											
MASSENGILL	61	198	59	127	65	240	84	367	134	2	1,337
DAVID T KEENAN	21	120	51	45	71	105	54	182	58	1	708

GERALD S WEISS	186	304	126	254	185	318	180	646	220	1	2,420
ROBIE HUBLEY	212	400	130	251	239	339	211	644	242	6	2,674
ALL OTHERS	0	8	1	6	3	15	2	15	5	0	55
BLANKS	<u>88</u>	<u>292</u>	<u>99</u>	<u>189</u>	<u>161</u>	<u>319</u>	<u>137</u>	<u>518</u>	<u>175</u>	<u>2</u>	<u>1,980</u>
TOTAL	568	1,322	466	872	724	1,336	668	2,372	834	12	9,174

SCHOOL COMMITTEE – three years (2)

THOMAS PAUL FLITTIE	162	282	129	216	185	267	156	431	185	3	2,016
BARBARA J LOVE	127	248	80	164	145	286	136	494	186	3	1,869
ANDREW M CHURCHILL	148	411	145	210	152	359	178	714	237	3	2,557
ALL OTHERS	1	3	1	1	2	1	2	8	2	0	21
BLANKS	<u>130</u>	<u>378</u>	<u>111</u>	<u>281</u>	<u>240</u>	<u>423</u>	<u>196</u>	<u>725</u>	<u>224</u>	<u>3</u>	<u>2,711</u>
TOTAL	568	1,322	466	872	724	1,336	668	2,372	834	12	9,174

ELECTOR, OLIVER SMITH WILL– one year (1)

DAVID FARNHAM	171	353	130	242	185	393	182	621	255	5	2,537
ALL OTHERS	0	2	1	0	1	1	1	1	0	0	7
BLANKS	<u>113</u>	<u>306</u>	<u>102</u>	<u>194</u>	<u>176</u>	<u>274</u>	<u>151</u>	<u>564</u>	<u>162</u>	<u>1</u>	<u>2,043</u>
TOTAL	284	661	233	436	362	668	334	1,186	417	6	4,587

JONES LIBRARY TRUSTEE – three years (2)

DAVID A LEVENSTEIN	53	139	47	97	62	149	72	218	89	1	927
WILLIS BRIDEGAM, JR.	88	215	81	177	133	234	104	429	162	3	1,626
KATHLEEN WANG	180	340	140	244	233	378	194	657	228	1	2,595
ALL OTHERS	2	0	1	1	0	1	1	2	1	0	9
BLANKS	<u>245</u>	<u>628</u>	<u>197</u>	<u>353</u>	<u>296</u>	<u>574</u>	<u>297</u>	<u>1066</u>	<u>354</u>	<u>7</u>	<u>4,017</u>
TOTAL	568	1,322	466	872	724	1,336	668	2,372	834	12	9,174

HOUSING AUTHORITY – five years (1)

PETER W JESSOP	180	350	131	253	181	401	176	622	232	5	2,531
ALL OTHERS	1	1	1	1	0	1	1	2	0	0	8
BLANKS	<u>103</u>	<u>310</u>	<u>101</u>	<u>182</u>	<u>181</u>	<u>266</u>	<u>157</u>	<u>562</u>	<u>185</u>	<u>1</u>	<u>2,048</u>
TOTAL	284	661	233	436	362	668	334	1,186	417	6	4,587

REDEVELOPMENT AUTHORITY – five years (1)

FRANCES L VANTREESE	150	314	123	208	163	370	156	560	213	5	2,262
ALL OTHERS	2	2	0	1	0	1	1	2	0	0	9
BLANKS	<u>132</u>	<u>345</u>	<u>110</u>	<u>227</u>	<u>199</u>	<u>297</u>	<u>177</u>	<u>624</u>	<u>204</u>	<u>1</u>	<u>2,316</u>
TOTAL	284	661	233	436	362	668	334	1,186	417	6	4,587

QUESTION 1A

Yes	163	322	94	232	143	345	163	570	222	4	2258
No	113	311	129	190	197	302	161	581	183	2	2169
Blanks	<u>8</u>	<u>28</u>	<u>10</u>	<u>14</u>	<u>22</u>	<u>21</u>	<u>10</u>	<u>35</u>	<u>12</u>	<u>0</u>	<u>160</u>
TOTAL	284	661	233	436	362	668	334	1,186	417	6	4,587

QUESTION 1B

Yes	145	281	84	194	115	303	128	474	189	1	1914
No	132	357	145	218	220	343	193	669	206	4	2487
Blanks	<u>7</u>	<u>23</u>	<u>4</u>	<u>24</u>	<u>27</u>	<u>22</u>	<u>13</u>	<u>43</u>	<u>22</u>	<u>1</u>	<u>186</u>
TOTAL	284	661	233	436	362	668	334	1,186	417	6	4,582

TOWN MEETING MEMBERS

Prec. I, three years (8)

Michael E. Ziomek, Jr	167	Joseph P. Swartz	135	Daniel P. Kramer	121
Joseph A. Waskiewicz	152	David Robson Gillham	125	Steven Jay Gross	111
Patricia G. Holland	141	Louis S. Greenbaum	129		

Prec. II, three years (8)

Sara Berger	321	Edward R. Kaynor	294	@ Sandra Mullin	34
Barbara C. Ford	321	Caroline C. Olson	281	@ Bryan Harvey	23
Christopher E. Riddle	319	Daniel R. Cooley	271		

Prec. III, three years (8)

Andrew M. Churchill	144	William B. Simon	109	Robert B. Kusner	103
Janet Lansberry	112	Lawrence E. O'Brien	108	@ Karen O'Brien	5
P. Roper O'Brien	109	Denise R. Kim-Kusner	105	+@Susan Radtke	2 2

(Andrew M. Churchill is an ex-officio member of Town Meeting. Susan Radtke fills the Chap. 117 vacancy.)

Prec. IV, three years (8)

Hwei-ling T. Greeney	218	Patrick E. Brock	131	* D. Baer Tierkel	115
Doris Holden	179	Richard N. Bentley	128	* John J. Michaels	81
Richard E. Sclove	136	+ Keith R. Ulrich	119	* Phoebe J. Merriam	71
Judy L. Simpson	133	* Irene J. Friedman	117		
Kenneth W. Sammonds	138	* Seymore Friedman	116		

(Keith Ulrich fills a Chap. 117 vacancy that was created by Richard Howland accepting two year write-in term rather than the three year term.)

Prec. IV, two years (1)

@ Richard Howland	53
@* D. Baer Tierkel	29

Prec. V, three years (8)

Patricia McChesney	163	Carlton C. Brose	143	Walter J. Wolnik	139
Richard E. Alcorn	157	Carol A. Lee	143	Walter M. Stephaniv	117
Batya Bauman	148	Jana Lee Sorge	141	*F. St.Sanot-Stephaniv	92

Prec. VI, three years (8)

Matthieu J. Massengill	362	Victoria Morales	316	Richard E. Mudgett	300
H. Oldham Brooks	323	Paul E. Drummond	309	David I. Clooney	281
Jean D. Killough	322	James Avery Smith	300		

Prec. VII, three years (8)

Gina M. Fusco	191	Manuel Frau-Ramos	148	@ Susan C. Pynchon	5
Dorothy B. Merriam	162	Martin F. Jones	114	@ Kevin P. Joy	3
Thaddeus E. Dabrowski	149	@ Adrienne Terrizzi	27		

Prec. VIII, three years (8)

Paul G. Bobrowski	513	George Levinger	417	*+ Frank Gatti	339
Ann E.W. Woodbridge	485	Russell M. Frank	414	*Eleanor Manire-Gatti	312
Sonya R. Sofield	457	Irwin Spiegelman	397		
Carol D. Moskowitz	419	Richard B. Morse	367		

(Frank Gatti fills a Ch. 117 vacancy created by Gerald Weiss becoming an Ex-Officio Town Mtg. Member. Two Year term to end in 2006.)

Prec. VIII, one year (2)

Jacqueline R. Brown	559	Zachary J. Bouricius	482
Hazard			

Prec., IX, three years (8)

Dade Singapuri	215	Matthew E. Mitchell	170	*@ Diana Stein	22
Denise R. Barberet	194	Kerry David Strayer	168	*@ Frederick Hartwell	18
Craig E. Meadows	175	@ Norman D. Berlin	24		
Robert J. Crowner	175	@ Barbara E. Berlin	23		

Prec. IX, two years (8)

@ Diana Stein	24	*@ Myra Ross	2
*@ Copper F. Giloth	2		

Prec. X, three years (8)

There were no candidates on the ballot and no candidates were written-in.

Prec. X, two years (8)

There were no candidates on the ballot and no candidates were written-in.

Prec. X, one year (6)

@ Michael Sheridan	1
@ Darren Giorgio	1

* Defeated

@ Write-in

+ Chapter 117

<u>Precinct</u>	<u>Ballots Cast</u>	<u>Number Registered</u>	<u>PM Return Time</u>	<u>% Turnout</u>
1	284	1,682	9:32	16.9%
2	661	1,848	10:23	35.8%
3	233	866	9:30	26.9%
4	436	1,664	9:42	26.2%
5	362	1,511	9:42	23.9%
6	668	2,106	9:41	31.7%
7	334	1,804	10:10	18.5%
8	1,186	2,518	9:38	47.1%
9	417	1,624	9:31	25.5%
10	6	581	8:55	1.0%
Totals	4,587	16,204		28.3%

The public announcement was made at 11:00 p.m. on March 30, 2004. 4,587 ballots were cast, representing 28.3% of the 16,204 voters registered.

Attest:

Anna M. Maciaszek

* * *

**Annual Town Meeting
April 28, 29, May 3, 10, 12 17, 19 and 24, 2004**

The meeting was televised by Amherst Community Television and shown on the Government Channel.

The 245th Annual Town Meeting was called to order by the Moderator, Harrison Gregg at 7:41 p.m. There were 233 town meeting members. 117 checked in and a quorum was declared. The call and return of the warrant were read by Town Clerk, Anna M. Maciaszek. The Moderator was sworn to the faithful performance of his duties. Town meeting members were sworn to the faithful performance of their duties. Articles 1 - 11 were considered on April 28th. Articles 9 and 10 were considered prior to Article 2. Consideration of Article 28 was scheduled for May 12, 2004 at 7:30 p.m. Article 5 was divided at the request of Town Meeting Member Jim Scott. The Consent Calendar was implemented for the first time and consisted of the following Articles: 1, 7, 8, 15 and 18. No articles were removed from the consent calendar and were voted upon unanimously by a single vote without debate. Anne Awad, Chair of the Select Board, informed Town Meeting of the new organization of the Board and thanked former Chair, Carl Seppala, for his years of service as Chair. Nancy Gordon, Hilda Greenbaum, Nonny Burack, James Pistrang, James Scott and H. Oldham Brooks were sworn as tellers.

ARTICLE 1. Reports of Boards and Committees (Select Board)

VOTED unanimously that the Town hear only those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

Action taken on 4/28/2004. (Consent Calendar item)

ARTICLE 2. Amherst Town Government Act – Childcare Study (Town Meeting Improvement Committee)

VOTED unanimously that the Town amend the action taken under Article 6 at the October 27, 2003, Special Town Meeting by replacing the words "Town Meeting Members" with the words "Amherst residents."

Action taken on 04/28/2004.

ARTICLE 3. Petition – Amend Amherst Town Government Act – Poll Hours (Awad)

VOTED by a declared 2/3 vote that the Town approve an order to place the following question amending the Amherst Town Government Act on the next annual town election ballot:

Shall Sections 1.3 and 2.42 of the Amherst Town Government Act be amended to provide for uniform voting hours at all town elections by adding the language in **boldface** and deleting the language in ~~strike thru~~ as follows:

1.3 Conduct of Elections. Meeting of the registered voters of the several precincts for elections, for primaries, and for voting upon any question to be submitted to all registered voters of the town, shall be held on the same day ~~and at the same hour~~ and at the same places within the town as the select board shall in the warrant for such election direct, **and the polls shall open no later than 7 o'clock in the morning and shall close no earlier than 8 o'clock in the evening.**

2.4 Referendum. ... 2.42 Election Procedure. ...The polls shall ~~be open during hours to be determined by the select board but they shall be open~~ no later than ~~noon~~ **7 o'clock in the morning** and shall be closed not earlier than 8 o'clock in the evening...

Action taken on 04/28/2004.

ARTICLE 4. Transfer of Funds – Unpaid Bills (Select Board)

VOTED unanimously to DISMISS [To see if the Town will, in accordance with Chapter 44, section 64, of the Massachusetts General Laws, appropriate and transfer a sum of money to pay unpaid bills of previous years.]

Action taken on 4/28/2004.

ARTICLE 5. FY 04 Budget Amendments (Select Board)

- a. **VOTED** to amend the action taken under Article 27 of the 2003 Annual Town Meeting – Reserve Fund, by increasing the appropriation by \$55,000,
Action taken on 4/28/2004.
- b. **VOTED unanimously** to amend the action taken under Article 26 of the 2003 Annual Town Meeting – Fiscal Year 2004 Operating Budget, by increasing the appropriation for Community Services by \$16,000,
Action taken on 4/28/2004.
- c. **VOTED** to amend the action taken under Article 26 of the 2003 Annual Town Meeting – Fiscal Year 2004 Operating Budget, by increasing the appropriation for the Golf Course Fund by \$45,000, and to meet such increased appropriations transfer \$116,000 from Free Cash in the Undesignated Fund Balance of the General Fund.
Action taken on 4/28/2004.

ARTICLE 6. Community Preservation Act – Additional for Hess APR (Community Preservation Act Committee)

VOTED unanimously that the Town amend the action taken in Motion C under Article 15 of the October 27, 2003, Special Town Meeting by increasing the appropriation from the Community Preservation Fund Undesignated Balance by \$95,000 to a total of \$192,500.
Action taken on 4/28/2004.

ARTICLE 7. Optional Tax Exemptions (Select Board)

VOTED unanimously that the Town authorize a maximum additional exemption of up to 100 percent for taxpayers qualifying for exemption under Chapter 59, Section 5, Clauses 17D, 22, 37A, or 41C of the Massachusetts General Laws.
Action taken on 4/28/2004. (Consent Calendar item)

ARTICLE 8. Authorization for Compensating Balance Accounts (Select Board)

VOTED unanimously that the Town accept the provisions of Chapter 44, section 53F of the Massachusetts General Laws, which authorize the Treasurer to enter into written agreements with banking institutions pursuant to which the Treasurer agrees to maintain funds on deposit in exchange for banking services.
Action taken on 4/28/2004. (Consent Calendar item)

ARTICLE 9. Petition – Resolution – PVRTA (BenEzra)

VOTED that the Town adopt the following resolution:

“WHEREAS the Town of Amherst has many thousands of men, women and children who totally depend on the Pioneer Valley Transportation Authority (PVRTA) for access to jobs, educational resources, medical care and other purposes; and

WHEREAS the PVRTA is about to institute widespread cuts in service to offset a \$1.4 Million deficit;

NOW THEREFORE we call upon the Governor of the Commonwealth of Massachusetts to declare a moratorium on any cuts in PVRTA service; and further,

WHEREAS the source of transportation funds discriminates against regional public transportation in Western Massachusetts in favor of the Massachusetts Bay Transportation Authority (MBTA) which receives an inequitable amount of Sales Tax revenues;

NOW THEREFORE we call upon the Amherst Select Board to take the lead in developing a region-wide strategy involving impacted local governments, our State Senators & State Representatives, and our Members of Congress to solve this agonizing transportation crisis that is threatening the viability of the entire PVRTA system.”

Action taken on 4/28/2004.

ARTICLE 10. Petition – Resolution – Repeal Medicare Act (BenEzra)

VOTED that the town adopt the following resolution:

“WHEREAS Amherst has nearly 3000 Seniors who depend on Social Security for their financial support and Medicare and Medicaid for the major portion of their health care; and

WHEREAS traditional Medicare is moving in the direction of privatization under provisions of the new Medicare Act adopted in 2003; and

WHEREAS President George W. Bush in his State of the Union Address declared he would begin privatizing Social Security; and

WHEREAS the President has also targeted Medicaid for reductions in financial and services support; and

WHEREAS Medicaid provides minimum medical support for children and adults with low financial resources; and

WHEREAS at least 18,000 Americans die prematurely each year because they lack medical insurance coverage; and

WHEREAS 45,000,000 Americans are medically uninsured because they are unemployed or have low paying jobs;

THEREFORE we call upon the next President of the United States and the Congress in 2005 to repeal the new Medicare Act, protect Social Security from privatization, save Medicaid, and develop a comprehensive single-payer health care system for all Americans.

We request that copies of this resolution be sent to the President of the United States, our 2 United States Senators, our Representative in Congress, the Governor of the Commonwealth of Massachusetts, as well as our State Senator and State Representative.”

Action taken on 4/28/2004.

Article 11. Petition – Resolution – “Stop the Cuts” Campaign (Koch-Gonzalez)

VOTED that the Town adopt the following resolution:

“Resolution Supporting the Massachusetts “Stop the Cuts” Campaign

Whereas, Massachusetts is facing over a \$1.2 billion deficit for Fiscal Year 2005, and

Whereas, Massachusetts needs new revenue to restore the deep program cuts enacted over the last three years to pay for education, affordable housing, child care, health care, prescription drugs, public safety, local aid, human services, and other badly needed state programs, and

Whereas, in the 1990s, the State Legislature passed 42 tax cuts – most to our state’s wealthiest corporations and individuals – that cost the Commonwealth \$3.5 billion a year in lost revenue, far more than the entire current deficit, and

Whereas, in 1968, corporate taxes made up 16% of state revenue, but today their share is only 5%, and

Whereas, loopholes in state tax law allow corporations to avoid paying their fair share of taxes, and

Whereas, corporate tax loopholes cost the state hundreds of millions of dollars each year, and

Whereas, closing corporate tax loopholes levels the playing field for locally owned and operated businesses, and

Whereas, quality tax-funded services like education and infrastructure help attract business to MA, and

Whereas, restoring the personal income tax rate is a fair and simple way to raise over \$1 billion in additional revenues, costing the average family less than a dollar a day, and

Whereas, if significant revenue is not raised at the state level, the Town of Amherst will face increased pressure to raise property taxes and/or fees,

THEREFORE BE IT RESOLVED, that the Town of Amherst Representative Town Meeting

1. supports the “Stop The Cuts Campaign” to limit deep cuts in local aid, education, including the University of Massachusetts, and health and human services;
2. supports raising state tax revenues by closing corporate tax loopholes, by supporting combined taxable income reporting, and by repealing special-interest tax breaks such as those given to Raytheon and Fidelity;
3. supports corporate disclosure, requiring corporations to report how much in subsidies they get from the state and/or the Town of Amherst and whether or not they are living up to the promises they made to get those subsidies;
4. supports raising tax revenues by restoring the income tax rate to 5.95 percent; and
5. directs the Amherst Town Clerk to transmit duly certified copies of this resolution to State Senator Stan Rosenberg, State Representative Ellen Story and Governor Mitt Romney.”

Action taken on 4/28/2004.

10:06 p.m., April 28, 2004 - The meeting voted to adjourn to Thursday, May 29, 2004, at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 189 town meeting members were checked in.

The Thursday, April 29, 2004, session, adjourned from April 28, 2004, was called to order by the moderator at 7:39 p.m. 118 town meeting members checked in and a quorum was declared. Articles 12 - 14 (General Government and Public Safety) were considered.

ARTICLE 12. Petition – Resolution to Oppose Federal Tax Breaks for Millionaires (Koch-Gonzalez)

VOTED that the Town adopt the following resolution:

“Resolution to Oppose Federal Tax Breaks for Millionaires

RESOLVED, That the Amherst Representative Town Meeting calls upon the members of the Massachusetts Delegation to the United States Congress to vote to repeal the 2003 tax breaks that benefit only upper-income taxpayers, and redirect a portion of the restored funds to the states so they can stop painful budget cuts, and

RESOLVED, That The Amherst Representative Town Meeting calls upon the members of the Massachusetts Delegation to the United States Congress to vote against any future tax breaks for wealthy Americans or large corporations, which erode the funding available for critical domestic priorities; and

RESOLVED, That the Amherst Representative Town Meeting direct the Amherst Town Clerk to transmit duly certified copies of this resolution to President George W. Bush, Senators Edward Kennedy and John Kerry and Representative John Olver, and Governor Mitt Romney.”

Action taken on 4/29/2004.

ARTICLE 13. Amend Amherst – Pelham Regional School District Agreement (School Committee)

VOTED that the Town approve an amendment to the Amherst-Pelham Regional School District agreement reallocating the total amount to be contributed by the member towns to the District for Fiscal Year 2005, as required by the Agreement, so that each town’s contribution, including statutorily required minimum district contribution, increases by an equal percentage in proportion to its contribution for Fiscal Year 2004, which amendment shall apply to Fiscal Year 2005 only.

Action taken on 4/29/2004.

Article 14. FY 2005 Operating Budget (Finance Committee)

VOTED that the Town adopt a comprehensive operating budget for the ensuing year and raise and appropriate money therefor.

GENERAL GOVERNMENT

VOTED that the Town appropriate \$4,212,259 for General Government, that the salary of the Moderator be fixed at \$100, that of the Select Board at \$300 each, that of the Elector under the Oliver Smith Will at \$20, and that to meet such appropriation \$4,173,259 be raised by taxation and \$39,000 be transferred from the Ambulance Receipts Reserved For Appropriation Account.

Action taken on 4/29/2004.

PUBLIC SAFETY

VOTED that the Town appropriate \$7,428,016 for Public Safety and that to meet such appropriation \$6,228,016 be raised by taxation and \$1,200,000 be transferred from the Ambulance Receipts Reserved for Appropriation Account.

Action taken on 4/29/2004.

10:36 p.m., April 29, 2004 - The meeting voted to adjourn to Monday, May 3, 2004, at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 168 town meeting members were checked in.

The Monday, May 3, 2004, session, adjourned from April 29, 2004, was called to order by the moderator at 7:38 p.m. 118 town meeting members checked in and a quorum was declared. Article 14 (Public Works, Planning/Conservation/Inspections, Community Services, Debt Service, Library Services and Elementary Schools) was considered.

PUBLIC WORKS

VOTED that the Town raise and appropriate \$2,103,735 for Public Works.

Action

PLANNING/CONSERVATION/INSPECTIONS

VOTED unanimously that the Town raise and appropriate \$782,552 for Planning/Conservation/Inspections.

Action taken on 5/3/2004.

COMMUNITY SERVICES

VOTED that the Town raise and appropriate \$1,465,027 for Community Services.

Action taken on 5/3/2004.

DEBT SERVICE

VOTED unanimously that the Town raise and appropriate \$2,020,428 for payment of the Town's General Fund indebtedness.

Action taken on 5/3/2004.

LIBRARY SERVICES

VOTED unanimously that the Town approve the Library Services operating budget of \$1,814,019 and that the Town raise and appropriate \$1,276,216 as its share of that budget.

Action taken on 5/3/2004.

ELEMENTARY SCHOOLS

VOTED that the Town raise and appropriate \$17,267,209 for the Amherst Elementary Schools.

Action taken on 5/3/2004.

10:19 p.m., May 3, 2004 - The meeting voted to adjourn to Monday, May 10, 2004, at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 177 town meeting members were checked in.

The Monday, May 10, 2004, session, adjourned from May 3, 2004, was called to order by the moderator at 7:31 p.m. 118 town meeting members checked in and a quorum was declared. Articles 14 (Regional Schools Water Fund, Sewer Fund, Golf Course Fund and Transportation Fund) through Article 19 were considered.

REGIONAL SCHOOLS

VOTED that the Town approve the Amherst-Pelham Regional School District operating and capital budget of \$23,813,267 and that the Town raise and appropriate \$9,754,341 as its proportionate share of that budget.

Action taken on 5/10/2004.

WATER FUND

VOTED that the Town appropriate \$3,386,279 for the Water Fund and that to meet such appropriation \$3,290,369 be made available from Water Fund revenues of the current year and \$95,910 be transferred from Water Fund Surplus.

Action taken on 5/10/2004.

SEWER FUND

VOTED that the Town appropriate \$2,979,447 for the Sewer Fund and that to meet such appropriation \$2,979,447 be made available from Sewer Fund revenues of the current year.
Action taken on 5/10/2004.

GOLF COURSE FUND

VOTED that the Town appropriate \$306,831 for the Golf Course Fund and that to meet such appropriation \$109,781 be raised by taxation and \$197,050 be made available from Golf Course revenues of the current year.
Action taken on 5/10/2004.

TRANSPORTATION FUND

VOTED that the Town appropriate \$604,850 for the Transportation Fund and that to meet such appropriation \$604,850 be made available from Transportation Fund revenues of the current year.
Action taken on 5/10/2004.

ARTICLE 15. Retirement Assessment (Select Board)

VOTED unanimously that the Town raise and appropriate \$2,192,883 for the Hampshire Regional Retirement System assessment.
Action taken on 4/28/2004. (Consent Calendar item)

ARTICLE 16. Reserve Fund (Finance Committee)

VOTED unanimously that the Town raise and appropriate \$100,000 for the Reserve Fund for FY 2005.
Action taken on 5/10/2004.

ARTICLE 17. Special Services - Amherst Community Television (Select Board)

VOTED unanimously to DISMISS [To see if the Town will raise and appropriate \$4,000 for Amherst Community Television and related expenses.]
Action taken on 5/10/2004.

ARTICLE 18. Special Services - Congregate Housing (Select Board)

VOTED unanimously that the Town raise and appropriate \$14,000 for the development and coordination of support services for tenants of congregate housing and related housing units, said program to be fully reimbursed by the Executive Office of Elder Affairs.
Action taken on 4/28/2004. (Consent Calendar item)

ARTICLE 19. Special Services – Transportation Subsidies (Select Board and Public Transportation Committee)

VOTED that the Town endorse no-fare public transit service to the Amity Street/University Drive, Village Park, Echo Hill, Cushman, Orchard Valley and Elf Hill areas of the Town, year-round weekend service on the South Amherst/North Amherst/Belchertown Road routes, elderly and disabled special transportation services, and approve the levying of an assessment by the Commonwealth of Massachusetts for the Town's proportionate share of the cost of such services.
Action taken on 5/10/2004.

10:00 p.m., May 10, 2004 - The meeting voted to adjourn to Wednesday, May 12, 2004, at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 182 town meeting members were checked in.

The Wednesday, May 12, 2004, session, adjourned from May 10, 2004, was called to order by the moderator at 7:41 p.m. 118 town meeting members checked in and a quorum was declared. Articles 20, 21, 22 and 28 were considered. Sandra Mullin was sworn-in as teller.

ARTICLE 20. Capital Program - Chapter 90 (Joint Capital Planning Committee)

VOTED that the Town authorize the expenditure of \$400,000 of Chapter 90 funds for qualifying purposes and further authorize the Treasurer to borrow in anticipation of reimbursement of these funds from the Commonwealth of Massachusetts.

Action taken on 5/12/2004

ARTICLE 21. Capital Program – Equipment - Joint Capital Planning Committee

VOTED that the Town appropriate \$784,400 to purchase, repair, and/or install new or replacement equipment and that to meet such appropriation, \$764,400 be raised by taxation and \$20,000 be transferred from the Ambulance Receipts Reserved for Appropriation Account.

Action taken on 5/12/2004.

ARTICLE 22. Capital Program – Buildings and Facilities (Joint Capital Planning Committee)

VOTED that the Town raise and appropriate \$243,000 to repair and/or improve buildings and facilities.

Action taken on 5/12/2004.

9:56 p.m., May 10, 2004 - The meeting voted to adjourn to Monday, May 17, 2004 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 160 town meeting members were checked in.

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The Monday, May 17, 2004 session, adjourned from May 10, 2004, was called to order by the moderator at 7:44 p.m. 118 town meeting members checked in and a quorum was declared. Article 23 was considered. Consideration of Article 37 was scheduled for Wednesday, May 19, 2004 at 7:30 p.m.

ARTICLE 23. Capital Program – Town Center Improvements – (Joint Capital Planning Committee)

VOTED YES 108, NO 42 that the Town appropriate \$250,000 for town center roadway, sidewalk and lighting improvements. The plans for these improvements to be approved by the Select Board after a duly noticed public hearing, and upon the recommendation of appropriate boards and committees, and to meet such appropriation authorize the Treasurer to borrow in accordance with M.G.L. Chapter 44, Section 7(5) and other applicable laws.

Action taken on 5/17/2004.

10:11 p.m., May 17, 2004 - The meeting voted to adjourn to Wednesday, May 19, 2004 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 163 town meeting members were checked in.

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The Wednesday, May 19, 2004, session, adjourned from May 17, 2004, was called to order by the moderator at 7:43 p.m. 118 town meeting members checked in and a quorum was declared. Articles 24, 25, 26, 27, 29, 30, 31, 33, and 37 were considered. Article 32 was scheduled for consideration after Article 39. Article 33 was divided at the request of Town Meeting Member Vince O'Connor. Van Kaynor was sworn-in as teller.

ARTICLE 24: Overlay Surplus (Finance Committee)

VOTED unanimously that the Town appropriate and transfer \$272,585 from Overlay Surplus to balance the 2005 Fiscal Year.

Action taken on 5/19/2004.

ARTICLE 25. Stabilization Fund (Finance Committee)

VOTED unanimously that the Town appropriate and transfer \$2,000,000 from the Stabilization fund to balance the 2005 Fiscal Year.

Action taken on 5/19/2004.

ARTICLE 26. Free Cash (Finance Committee)

VOTED unanimously to DISMISS [To see if the Town will appropriate and transfer a sum of money from Free Cash in the Undesignated Fund Balance of the General Fund to balance the 2005 Fiscal Year.]

Action taken on 5/19/2004.

ARTICLE 27. Petition – Resolution - Vehicle Idling (Kaynor)

VOTED that the Town will adopt the following resolution:

“Be it resolved that the Town use available means to educate Town employees and the larger community concerning the costs of, and alternatives to, unnecessary vehicle idling, and that the relevant Massachusetts General Law Title XIV Chapter 90 Section 16A be enforced.”

Action taken on 5/19/2004.

ARTICLE 28. Petition - Form for Police Stops (Brown-Hazard)

VOTED that the town ask the Select Board to work with the Town Manager, Town Counsel, Police Chief and community members to implement the use of a one-page standardized self-reporting form for police stops and a process to record and evaluate the information gathered, which standardized forms shall include, but not be limited to, the reasons for each stop, action taken during each stop, and the number, gender and easily identifiable ethnicity of all vehicle’s occupants.

Action taken on 5/12/2004.

ARTICLE 29. Street Acceptances – Poet’s Corner and Dayton Lane (Select Board)

VOTED unanimously that the Town accept as a town way Dayton Lane as laid out by the Select Board and shown on a plan of land filed with the Town Clerk, and authorize the Select Board to take by eminent domain, purchase or otherwise any fee, appurtenant rights, easements or other interest in land therefor, no appropriation being required.

Action taken on 5/19/2004.

ARTICLE 30. Petition – Sidewalk Plowing (Greeney)

VOTED to refer to the Select Board. [“To see if the Town Meeting will vote to recommend the Select Board to reverse its decision reached on January 12, 2004 on sidewalk snow-plowing.”]

Action taken on 5/19/2004.

ARTICLE 31. Petition – Meadow Street Bridge (O’Connor)

VOTED to refer to the Select Board [“To see if the Town will vote to request the Massachusetts Department of Public Works to repair or replace the 24-foot bridge over the Swamp Brook on Meadow Street west of Route #116 in North Amherst by closing said bridge for a period not to exceed three months without the use and cost of a temporary bypass bridge, and to take any other action related thereto.”]

Action taken on 5/19/2004.

ARTICLE 32. Petition – Zoning Bylaw – Converted Dwellings (O’Connor)

VOTED unanimously to refer to the Planning Board [“To see if the town will vote to amend the Zoning Bylaw by (deletions in ~~strike thru~~, additions in **boldface**):

- a) amending Condition 5 of Section 3.3241 Converted Dwelling so it will read as follows:

5. The proposed conversion, **if not by Site Plan Review approval by the Zoning Board of Appeals for conversion from one owner-occupied unit to two units**, shall be suitably located in the neighborhood in which it is proposed, as deemed appropriate by the Zoning Board of Appeals. The conversion, if in a residential district, shall either: a) be located in an area that is close to heavily traveled streets, close to a business, commercial ~~and~~ or educational districts, or already developed for multi-family use; or b) be from one to two units, one of which shall be and shall remain owner-occupied, which shall be made a condition of any Special Permit **or Site Plan Review approval** issued in such an instance. And,

- b) amending the use table for Section 3.3241 Converted Dwelling to add SPR (Site Plan Review) by the Zoning Board of Appeals as a method of approval under the R-0, R-N, R-VC, and R-G Districts.
- c) replacing in Section 11.2 "Site Plan Review" all references to the "Planning Board" by the words "**Site Plan Review Authority**" and to the "Board" by the word "**Authority**" except for Section 11.250 which shall be amended to read "**Site Plan Review decisions by the Zoning Board of Appeals shall be unanimous. Site Plan Review decisions by the Planning Board shall require** ~~the~~ the concurring vote of at least two-thirds (2/3), but not fewer than five (5), of the members of the Board participating and voting ~~shall be required for any decision on a site plan application~~ (abstaining members being considered not to be voting). The ~~Board's~~ **Authority's** written decision shall consist of either:"]
Action taken on 5/24/2004.

ARTICLE 33. Petition – Zoning Bylaw – Upland Acreage (O'Connor)

- a. **DEFEATED** ["To see if the town will vote to amend the Amherst Zoning Bylaw by adding to Section 3.323 Apartments the following:
Section 3.323 Add the following clause to sentence three of condition two:
Dimensional regulations in Article 6 shall be observed, **except that the square footage of a parcel determined to be wetlands under the Massachusetts Wetlands Protection Act or the Amherst Wetland Bylaw shall be deducted from the total parcel area so that only upland acreage shall be used to calculate the allowable number of units.**"]
Action taken on 5/19/2004.
- b. **VOTED to DISMISS** ["To see if the town will vote to amend the Amherst Zoning Bylaw, by adding to Table III of Article 6 the following:
Article 6, Table III – Dimensional Regulations: add footnote "o" to Additional Lot Areas/Family (sq ft)
o. All areas of a parcel determined to be wetlands under the Massachusetts Wetland Protection Act or the Amherst Wetland Bylaw shall be excluded from the area of a parcel used to calculate the number of additional units allowed."]
Action taken on 5/19/2004.
- c. **VOTED by a declared 2/3rds vote** that the town amend the Amherst Zoning Bylaw by adding to Article 12, Section 12.35 the following:
Article 12 – Definitions
Section 12.35 Upland Acreage: Lot area, not including watercourses, waterbodies, **vernal pools**, banks, or bordering **or isolated** vegetated wetlands as defined by the Massachusetts Wetlands Protection Act Regulations 310 CMR 10.00, **or the Amherst Wetland Bylaw.**"
Action taken on 5/19/2004.

10:15 p.m., May 19, 2004 - The meeting voted to adjourn to Monday, May 24, 2004 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 162 town meeting members were checked in.

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The Monday, May 24, 2004, session, adjourned from May 19, 2004, was called to order by the moderator at 7:44 p.m. 118 town meeting members checked in and a quorum was declared. Articles 32, 34, 35, 36, 38, 39, and 40. were considered.

ARTICLE 34. Petition - Zoning Bylaw –Moratorium (O’Connor)

VOTED unanimously to DISMISS [“To see if the town will vote to place an eighteen-month moratorium on the construction within the R-O (Outlying Residence), R-LD (Limited-Density Residence), R-N (Neighborhood Residence), R-VC (Village Center Residence), R-G (General Residence) zoning districts of any single-family residence of greater than 4,000 square feet which shall include the area of any enclosed garage.”]

Action taken on 5/24/2004.

ARTICLE 35. Petition –Zoning Map – Route 9 and University Drive Extension (Wziontko)
VOTED to refer to the Planning Board [“To see if the Town will amend the Official Zoning Map by rezoning Map 13D, Parcels 19 & 57 from the Professional Research Park (PRP) Zone to the Limited Business (B-L) Zone.”]
Action taken on 5/24/2004.

ARTICLE 36. Acceptance of Land - Snell Street (Planning Board)
VOTED to refer to Select Board [To see if the Town will acquire by gift a certain parcel of land located on Snell Street containing 26,002 sq. feet, more or less, and shown on Assessor Map 13D, Parcels 20 and 55 and a portion of Parcel 57.]
Action taken on 5/24/2004.

ARTICLE 37. Petition – Kendrick Park (Gordon)
VOTED unanimously that the Town authorize the Select Board to accept, as a gift from the Kendrick Trustees, the land located between East Pleasant, North Pleasant and Triangle Streets, together with the financial (intangible) assets of the Trust, to create on that land a public park, to be known as Kendrick Park, “for the use and benefit of the general public and of the enhancement and beautification of that area of Amherst,” consonant with the wishes of George Smith Kendrick and Jennie Kendrick, creators of the Trust and that the Town authorize the Select Board to sell or dispose of the structures located thereon upon such terms and conditions as the Select Board may deem reasonable and appropriate.
Action taken on 5/19/2004.

ARTICLE 38. Petition - Town Manager’s Salary (Greeney)
VOTED Yes 81, No 71 that the Town Meeting recommend the Select Board and Town Manager reverse the decision on raising the Town Manager’s salary – the decision reached on January 5, 2004.
Action taken on 5/24/2004.

ARTICLE 39. Petition – The Vagina Monologues (Kelley)
VOTED Yes 96, No 53 to DISMISS [“Amherst Town Meeting recommends to the Amherst Regional School Committee and Superintendent of Schools, Jere Hochman, that they never again officially sanction or allow high school students to perform on school property the graphic age-inappropriate play, “The Vagina Monologues.”]
Action taken on 5/24/2004.

ARTICLE 40. Petition – Resolution – Nuclear-Weapons Free World (Bonsignore)
VOTED that the Town adopt the following resolution:

NUCLEAR-WEAPONS FREE WORLD

“Whereas 20th Century science and technology created a real and present threat of exterminating the human species and our natural environment with nuclear weapons, we ardently hope for a 21st Century society in which science and technology are utilized for humane purposes.

The Town of Amherst, Massachusetts, USA, supports the Mayors for Peace initiative and the 2020 Vision Campaign and hereby demands that:

1) National governments increase dialogue, work conscientiously to build trust, and maintain and strengthen the Nuclear Non-Proliferation Treaty (NPT);

2) Nuclear-weapon states and de facto nuclear-weapon states, including non-parties to NPT, immediately cease all nuclear development programs, including those intended for space, and bring the Comprehensive Test Ban Treaty into force forthwith; and

3) The 2005 NPT Review Conference in New York, which takes place just prior to the 60th anniversary of the atomic bombings, demand that nations begin to map the road to a nuclear-weapons free world with adoption by 2010 and a commitment to reach that goal by 2020.

We hereby declare our renewed determination to act on behalf of our citizens to eliminate nuclear weapons and create a world without war in which resources are used to reduce hunger, poverty, refugee status, and human rights violations.

A copy of this declaration is to be sent to:

George W. Bush, President of the United States of America

John Negroponte, US Ambassador to the United Nations

Kofi Annan, Security General of the United Nations

Dennis Hastert, Speaker of the House

William Frist, President Pro Tem of the Senate

John Kerry, U.S. Senator

Edward Kennedy, U.S. Senator

John Olver, U.S. Representative

Tadatoshi Akiba, Mayor of Hiroshima and President of the Mayors for Peace”

Action taken 5/24/2004.

After consideration of Article 40 and the business of the warrant having been completed, the meeting voted to dissolve at 10:07 p.m. on May 24, 2004. 162 town meeting members were checked in.

Attest:

Anna M. Maciaszek

Town Clerk

TOWN WARRANT
Special Town Meeting
June 10, 2004

The meeting was televised by Amherst Community Television and shown on the Government Channel. The Special Town Meeting was called to order by the Moderator, Harrison Gregg at 7:41 p.m. There were 234 town meeting members. 118 checked in and a quorum was declared. The call and return of the warrant was read by the Town Clerk, Anna Maciaszek. Article 1 was considered on June 10, 2004.

Article 1. Discriminatory Foreign Student Fee Resolution (Burry)
VOTED Yes 78, No 29 that the Town adopt the following resolution:

Discriminatory Foreign Student Fee Resolution

“Whereas, in early December 2003 officials at the University of Massachusetts at Amherst announced a new \$65 per semester fee to be charged only to international students,

And, whereas, this fee affects approximately 300 undergraduate students and 1,300 graduate students,

And, whereas, approximately 1,000 of the 1,300 effected graduate students are Graduate Student employees, and, therefore, members of the Graduate Employee Organization, UAW Local 2322,

And, whereas, this new fee was imposed unilaterally without any consultation with the Graduate Employee Organization or the Graduate Student Senate,

And, whereas, this discriminatory foreign student fee took effect in the spring 2004 semester, only two months after it was announced, thereby imposing an immediate financial burden on international students, who in almost all cases are forbidden by federal law from working off campus,

And, whereas, this discriminatory fee is the result of managerial and budgetary decisions made solely by University of Massachusetts at Amherst administrators, acting under the authority and direction of Chancellor John Lombardi,

And, whereas, the Graduate Employee Organization has worked for the repeal of this new unilaterally imposed fee,

And, whereas, a large number of international graduate students have refused to pay this new fee, thereby putting themselves at risk of administrative withdrawal from the University,

And, whereas, administrative withdrawal would result in loss of academic standing and loss of employment for Graduate Student Employees,

And, whereas, and in many cases, administrative withdrawal would also result in loss of housing for graduate student employees and their families,

And, whereas, the University is obliged to report all withdrawn international students to the federal government within 21 days of their being administratively withdrawn,

And, whereas, international students withdrawn from the University are de facto in violation of their student visa status, and, put themselves at risk of immediate deportation,

And, whereas, the Amherst Human Rights Commission has found the foreign student fee to be discriminatory and a violation of the human rights of students singled out on the basis of their visa status and country of origin,

Now, therefore, be it resolved, that the Amherst Representative Town Meeting call upon Chancellor Lombardi, acting on behalf of the University of Massachusetts, to 1) immediately repeal the new \$65 per semester international student fee; 2) find alternative funding sources to support the University’s International Programs Office; and 3) offer amnesty to all international student fee resisters, absolving them of any penalty, financial or otherwise, for having refused to pay this unilaterally imposed discriminatory fee,

And be it further resolved that a copy of this resolution be sent to Chancellor Lombardi; to University of Massachusetts President Jack Wilson; to University of Massachusetts Board of Trustees Chair, Grace Fey; to the members of the University of Massachusetts Board of Trustees; to State Representative Ellen Story; to State Senator Stan Rosenberg; to Congressperson John Olver; and to United States Senators Edward Kennedy and John Kerry.”

Action taken on 6/10/04.

9:14 p.m. The business of the warrant was completed and the meeting voted to dissolve. 124 members checked in.

Attest:

Anna M. Maciaszek
Town Clerk